



APPROVED

**BOARD OF ADJUSTMENT
CITY OF SCOTTSDALE
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
AUGUST 2, 2006**

REGULAR MEETING MINUTES

PRESENT: Carol Perica, Chairman
Jennifer Goralski, Vice-Chairman
Patrick Davis, Board Member
James Vail, Board Member
Neal Waldman, Board Member

ABSENT: Howard Myers, Board Member

STAFF PRESENT: Tim Curtis
Sherry Scott
Joe Padilla
Jesus Murillo
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Perica at 6:04 p.m.

ROLL CALL

A formal roll call confirmed the members present as stated above.

APPROVAL OF MINUTES

1. June 7, 2006 Board of Adjustment Study Session Minutes

VICE-CHAIR GORALSKI MOVED TO APPROVE THE MINUTES OF THE JUNE 7, 2006 STUDY SESSION. SECONDED BY BOARD MEMBER WALDMAN, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

2. June 7, 2006 Board of Adjustment Minutes

Vice-Chair Goralski noted that on page 3 of the regular meeting minutes, Chair Perica was mistakenly entitled "Vice-Chair."

VICE-CHAIR GORALSKI MOVED TO APPROVE THE CORRECTED MINUTES OF THE JUNE 7, 2006 REGULAR SESSION. SECONDED BY BOARD MEMBER VAIL, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

CONTINUANCE

3. 9-BA-2006 Pavoreal Lot 58

Request a variance from Article V. Section 5.804.E.1.a regarding a rear yard setback.

(continued to the September 6, 2006 hearing)

REGULAR AGENDA

5. 6-BA-2006 Armenian Apostolic Church of Arizona

Ms. Wauwie addressed the Board. Highlights of her presentation included an aerial photo of the site, the site plan, and elevations. She reviewed the location of the proposed church building and the requested 68 foot height variance.

Arvin Knadjian, architect for the project, addressed the Board. He reviewed ways in which he believed the four criteria were being met. He opined that special circumstances existed because the project was previously approved in 1985; the church has been working since that time to raise funds for construction. He opined that if not approved, the Church's preservation of rights and privileges would be denied, because the dogma of the Church requires certain shapes symbolic to Armenian Christian Orthodox worship. Mr. Knadjian presented photos depicting the relationship the church building would have with the neighborhood which he believed would not be detrimental to neighbors. He reiterated that the Church community had invested a lot of time and money into preparation of construction of the Church.

In response to a question by Board Member Vail concerning the building height limit mentioned in Ordinance 2394, Mr. Knadjian explained that the 45-foot variance being requested would occupy 4.6 percent of the roof area at the location of the dome, which is far below the ten percent restriction.

In response to a question by Chair Perica, Mr. Knadjian explained in 1985 the height was approved as part of a master plan which included the church and the community center. Funds were not available at that time to build both, so a permit was acquired only for the community center. Ms. Scott confirmed that because construction was not begun on the Church the approval would not be grandfathered and the current zoning regulations would apply. Mr. Knadjian confirmed the surrounding neighborhood was not built until the late 1990's.

Board Member Vail inquired how the changes to Pima Road affected the plans and location of the Church building. Mr. Knadjian stated that frontage to Pima Road was lost; he was unsure whether an arterial access had originally been in that location.

Chair Perica noted that Barbara Nixon submitted a non-speaking comment card in opposition to the variance, Maria Apostolatos, Jerry Saraydar, Myrna Saraydar, Gini Topalian, Sylvia Hagopian, Artin Knadjian, Kaiser Hagopian, Asadour Hagopian, Paul Hagopian, and Jack Shahbazian submitted non-speaking comment cards in favor of the variance.

Marlene Loniizian 8906 North Central Avenue addressed the Board in favor of the item. She clarified that the original master plan for the church property did not show access from Pima; there was never access onto the property from Pima only visibility. She noted the wording in the 1985 approval allowed for up to 75 feet height with varying setbacks from the property line.

Ms. Loniizian read into the record a letter from the Archbishop of the Armenian Apostolic Church in North America:

"Dear Board Members,

"The Armenian Apostolic Church was incorporated in the State of Arizona in October 1963 and is part of the Armenian Church of North America, Western Diocese. For decades this small parish was without their own place of worship and prayed in various rented facilities. In 1982, this parish received the donation of land, and in 1992, ten years later, completed the construction of their Armenian Church Cultural Center. Throughout the years the Scottsdale Arizona Parish has worked hard to not only build the Armenian Church Cultural Center, but is now prepared to complete the design and construction of a place to worship.

"The central focus of this effort to build an associated fundraising campaign has been to design the Church according to traditional Armenian Church architecture. The present design accomplishes that requirement and will

satisfy stipulations made with past donations to the Church Building Fund.

"Thank you for your understanding and support of the request for variance.

"Peripherally,
Archbishop Hovanian Dardarian, Primate."

Hal Gurman, 8856 East Cholla Street, addressed the Board in opposition of the variance. He opined that the amount of traffic generated by the expansion in addition to the recent rental of the parking lot had become detrimental to the quality of life for the neighbors. He noted that although the traffic situation was not in direct regard to the height variance, there was no other venue available in which to voice concerns regarding the detrimental affect being placed on the neighborhood.

Mr. Knadjian countered that the addition of the Church building was for separation of activities, not because of an increase in attendance. Rental of the parking lot was a temporary situation in order to lend assistance during reconstruction of the Senior Center. He noted that their doors are open to neighbors at any time, both to attend the Church functions and to discuss traffic safety concerns.

Chair Perica reminded Board Members that the variance was strictly for a height variance; other variables were not to be considered.

Board Member Waldman stated that traffic problems would be seen in any church situation. He noted that his hesitation was with whether or not the height would be detrimental to the neighborhood because 60 feet would loom over the neighbors next to it. He reserved his opinion in order to listen to his fellow Board Members.

Board Member Davis did not believe the application met the criteria for approval of the variance.

Vice-Chair Goralski noted her sympathy for the situation but felt that criteria one, two, and three had not been met. The original permit was issued in the 80s and today the Board of Adjustments is subject to the current zoning ordinance requirements. She would not vote in favor of the variance.

Board Member Vail opined that the closing of Pima Road adversely affected the Church. He had not heard any issues directly in opposition to the dome height and noted that the Greek Orthodox Church on Cactus Road had a similar shape and size dome. He would support a motion for the variance.

Chair Perica opined that the only criteria that had possibly been met was the circumstances were not created by the Applicant because permission had been granted in 1985. She would not support the variance.

BOARD MEMBER VAIL MOVED FOR APPROVAL OF 6-BA-2006, THE VARIANCE FOR THE ARMENIAN APOSTOLIC CHURCH. THE MOTION DIED FOR LACK OF A SECOND.

VICE CHAIR GORALSKI MOVED FOR DENIAL OF 6-BA-2006. SECONDED BY BOARD MEMBER DAVIS, THE MOTION CARRIED BY A VOTE OF FOUR (4) TO ONE (1). BOARD MEMBER VAIL DISSENTED.

4. 2-BA-2006 Shoen Residence

Mr. Murillo addressed the Board. Highlights of his presentation included an aerial view of the site, zoning map and site plan. He reviewed the zoning ordinance requirement and criteria for the variance. This variance request was for two feet, eleven inches for an eleven-foot structure. City staff found that there were no special circumstances in regards to size, shape, topography, location, or surrounding; the rights and privileges of the owner will remain intact regardless of the outcome of the variance; the circumstances were created by the owner. Although neighbors have expressed support of the structure, there has been concern received by the local HOA about the structure

In response to a question by Vice-Chair Goralski, Mr. Murillo confirmed that the Applicant addressed the lack of compliance that was issued; the only condition not approved was the location of the structure. A permit is not required for the structure because it is under 200 square feet.

In response to an inquiry by Board Member Waldman, Mr. Murillo confirmed the structure was in violation of the HOA CC&R's.

Vice-Goralski inquired about what the situation would be with regards to the HOA if the Board of Adjustments approved a variance for the structure. Mr. Padilla explained that the HOA's article was a contract with the owner and would take precedence over a Board of Adjustment approval.

Sylvia Shoen addressed the Board. She reviewed the circumstances surrounding the initial installation of the structure as well as events that have followed. Ms. Shoen stressed the fact that the structure was needed in order to protect her children from the summer sun while playing outdoors. She reiterated the fact that the property line was an odd shape and that the roof had been trimmed so as not to encroach on the neighbor's property.

Mr. Shoen addressed the Board. He reviewed the ways in which the four criteria had been met, noting the corners of the roof had been trimmed in order to prevent water runoff into the neighbor's yard. A licensed architect was not initially involved with the project; the work was done by the pool contractor but had been since reviewed and structurally approved. The HOA Architectural Committee was informed of the structure during construction.

Board Member Vail noted his recollection of a letter of concern about water runoff which had been included in the first packet the Board received. Mr. Shoen confirmed that letter was from Mr. West and had not been intended for the Board, it was mistakenly included in the packet. Mr. West's concern about the wall

height had been addressed by acquiring a permit and increasing the height of the wall facing his property.

Chair Perica noted that Fred Broeder, 9380 North 96th Place, submitted a non-speaking comment card in favor of the variance.

Suzanne Anderson, 12526 North Ninety Sixth Place, spoke in favor of the variance.

Frannie Boeder, 9380 North 96th Place, spoke in favor of the variance.

Board Member Vail opined that the criteria had been met, he would vote in favor of the variance.

Vice-Chair Goralski noted her sympathy but felt the four criteria had not been met. She opined the structure could have been placed differently and that he rights and privileges would not suffer as a result of denial. She would not support the variance.

Board Member Davis felt the four criteria were not met. In particular he believed the circumstances were created by the Applicant because of an over-zealous contractor and opined that the structure would be detrimental to neighbors. He noted his intent to vote against the variance.

Board Member Waldman commented on the nice quality of the structure. He opined that the structure was too close to the property line and would infringe on the neighboring property. He stated that none of the criteria had been met and he would not support the variance.

Chair Perica agreed that the structure was an enhancement to the home and the neighborhood, but opined the four criteria had not been met. She noted that she would vote to deny the variance.

BOARD MEMBER DAVIS MOVED TO DENY 2-BA-2006. SECONDED BY CHAIR PERICA, THE MOTION CARRIED BY A VOTE OF FOUR (4) TO ONE (1). BOARD MEMBER VAIL DISSENTED.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:27 p.m.

Respectfully submitted,
A/V Tronics, Inc.